

Notice of Allowability

Application No.

10/748,594

Applicant(s)

MCCABE ET AL.

Examiner

Art Unit

Patricia L. Hailey

1755

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Applicants' remarks and amendments, filed on May 16, 2007.
2. ☒ The allowed claim(s) is/are 10-22.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date <u>10/02/2006</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

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Applicants' remarks and amendments, filed on May 16, 2007, have been carefully considered. Claims 1 and 4-9 have been canceled; no new claims have been added.

Claims 10-22 remain pending in this application.

Withdrawn Rejection

The 102(b) rejection of claims 1 and 4-9 as being anticipated by Cohen et al. (U. S. Patent No. 5,202,101) stated in the previous Office Action has been withdrawn in view of Applicants' cancellation of these claims.

The 103(a) rejection of claim 3 as being unpatentable over Cohen et al. (U. S. Patent No. 5,202,101) stated in the previous Office Action has been withdrawn in view of Applicants' cancellation of this claim.

Allowable Subject Matter

Claims 10-22 are allowed.

Reasons for Allowance

1. The following is an examiner's statement of reasons for allowance:

As stated in the previous Office Action, the prior art of record does not teach or suggest a platinum group metal (PGM) free catalyst composition comprising zirconia-praseodymia or mixed manganese-yttria.

European Patent Nos. 1 374 978 and 1 634 638 disclose the claimed invention, but because these references (1) were each published after Applicants' effective filing date and (2) are the same inventive entity as that of the instant application, is not qualified as prior art under 35 U.S.C. 102.

Nakatsuji (U. S. Patent No. 7,175,822) discloses a catalyst structure for the catalytic reduction of nitrogen oxides, said structure comprising an outer layer catalyst component comprising (a) ceria or (b) praseodymium oxides or (c) at least one of a mixture or a composite oxide of at least two elements selected from cerium, zirconium, praseodymium, neodymium, gadolinium, and lanthanum, and a second catalyst component comprising (d) at least one catalyst component selected from rhodium, palladium, and their oxides.

The structure also comprises an inner catalyst layer, which comprises at least one catalyst component selected from platinum, rhodium, palladium, and their oxides.

The catalyst structure of Nakatsuji is not platinum group metal free (PGM-free).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Hailey whose telephone number is (571) 272-

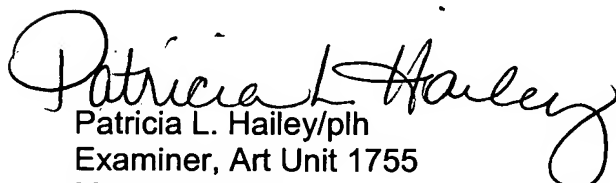
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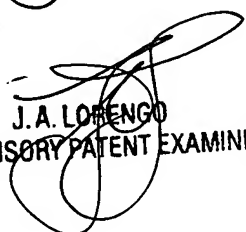
1369. The examiner can normally be reached on Mondays-Fridays, from 7:00 a.m. to 3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jerry Lorengo, can be reached on (571) 272-1233. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 1700 Receptionist, whose telephone number is (571) 272-1700.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Patricia L. Hailey/plh
Examiner, Art Unit 1755
May 29, 2007


J. A. LORENZO
SUPERVISORY PATENT EXAMINER